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CHILD WELFARE IN PROGRESS

Information Guide To The Child Welfare Act

Unit II

Preliminary Interventions
Confidentiality
Agreements

Alberta
SOCIAL SERVICES

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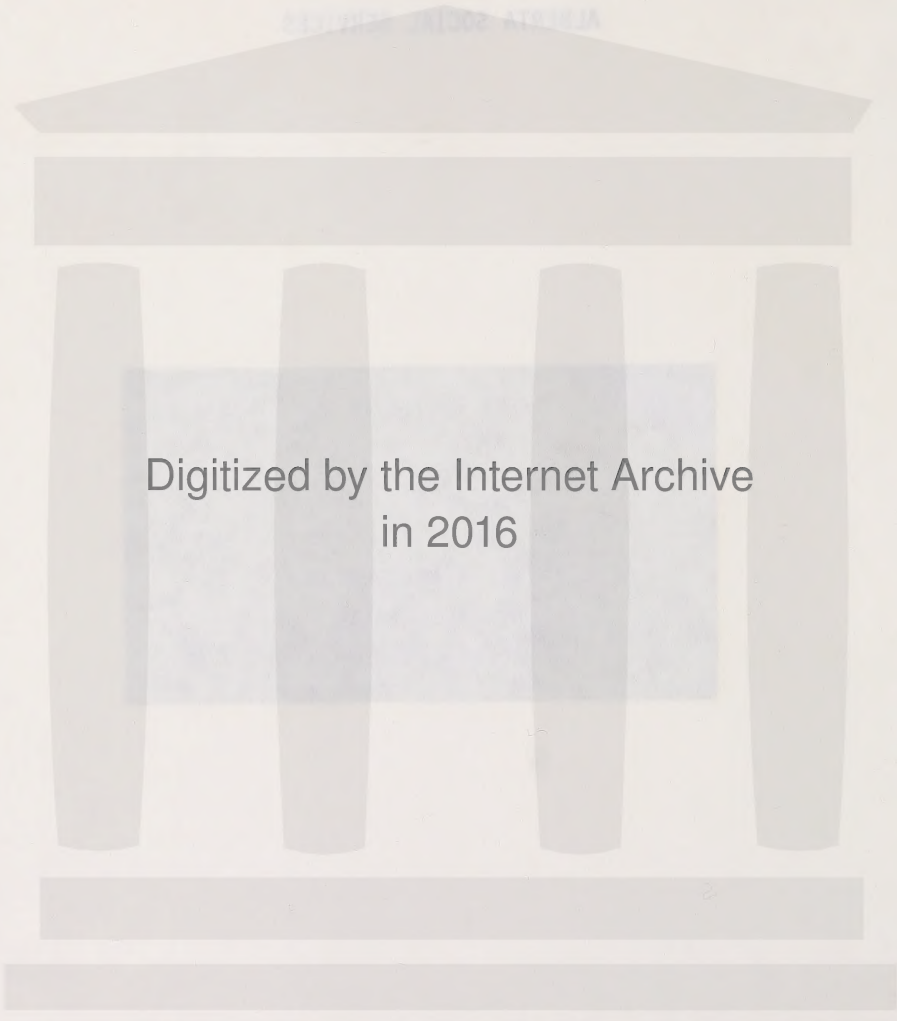
December, 1986



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Hugh Nicholson - Project Manager, Child Welfare Implementation Project Staff Development Sub-Project.

Jim Barnet - Writer, Human Resources of Canada.

Joyce Hanley - Training Officer, Training Resources Corporate Staff Development.

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Judy Maggs - Regional Representative, Northeast Region.

Ann Moore - Regional Planner, South Region, Alberta Social Services.

Danny Roy - Regional Staff Development Coordinator, Northeast Region.

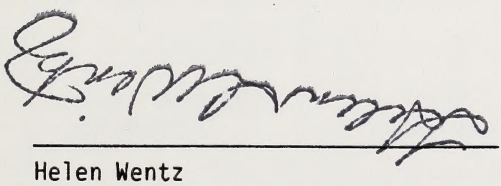
PREAMBLE

Child Welfare is a complex field in which you, as a child welfare worker, have many important responsibilities. When exercising these responsibilities, the uniqueness of each situation requires your own professional judgement and common sense, rather than reliance on a set of prescribed directives. The nature of your work, therefore, can be challenging, rewarding, and, at times, frustrating.

On July 1, 1985 the Alberta Legislative Assembly proclaimed the current Child Welfare Act. This Act represents an attempt to clarify the government's role with respect to child welfare issues. It also reflects the principles of effective casework practice. In order to help you to understand the legislation, we have developed seven informational guides and four videotapes on the Act. Further information can be found in the Act itself and other supportive documents listed at the end of each section of the module. It is important that you familiarize yourself with the pertinent sections of the Act. This will help clarify your role and provide guidelines for decision making.

I am hopeful that these documents will help you in your endeavor to assist the children and families with which you work.

Sincerely,



Helen Wentz
Senior Director
Family and Children's Services
Alberta Social Services

HOW TO USE THIS MODULE

This module and others in the "Information Series" are meant to provide you with a quick overview of the Child Welfare Act. The modules can be used as an information source by themselves or used along with the 15-20 minute video-tapes that may be available to you.

The overall objective of these modules is to give you, the child welfare worker, an information guide which answers some of the questions you may have when carrying out your role.

The format of each module is:

1. A schematic of the series;

2. An outline of the information contained in the particular module;

3. Critical information highlighted (enclosed in boxes) in each section;

4. Questions, case studies and checklists that you can use to test yourself on the content of each section of the module; and

5. A reference list at the end of each section of the module.

THE INFORMATION GUIDE SERIES

UNIT I

1. BACKGROUND INFORMATION
2. PHILOSOPHICAL PRINCIPLES
3. MATTERS TO BE CONSIDERED
4. MAJOR INNOVATIONS
5. DEFINITIONS

UNIT II

1. PRELIMINARY INTERVENTIONS
2. CONFIDENTIALITY
3. AGREEMENTS

UNIT III

1. SUPERVISION ORDERS
2. APPREHENSIONS
3. SERVICE FOR COURT AND RIGHTS OF APPEARANCE

UNIT IV

1. CHILDREN'S GUARDIAN AND DIRECTORS
2. TEMPORARY GUARDIANSHIP
3. PERMANENT GUARDIANSHIP

UNIT V

1. CONFINEMENT OF AN APPREHENDED CHILD
2. SECURE TREATMENT CERTIFICATE
3. SECURE TREATMENT ORDER
4. APPEAL PROCESS

UNIT VI

1. JOINT GUARDIANSHIP
2. PRIVATE GUARDIANSHIP
3. ADOPTION

UNIT VII

YOUNG OFFENDERS ACT

1. DEFINITIONS AND PRINCIPLES
2. PRE-COURT PROCEEDINGS
3. ROLE OF THE COURT
4. POST-COURT PROCEEDINGS

UNIT II

The specific objective for this module is to have you read the information and complete the questions provided after each section. At the end of Section 3 on agreements, there are four case studies and you will be asked to determine what type of agreement is appropriate for each. Following that are answers for each question. Should you have additional questions or need clarification regarding the answers given, please contact your supervisor.

SECTION 1

Preliminary Interventions

This section outlines the role of the Department and community with respect to reporting and investigating children believed to be in need of protection.

SECTION 2

Confidentiality

This section outlines the conditions under which information can be shared with the community and other professionals.

SECTION 3

Agreements

This section outlines the nature of a voluntary agreement between the Department and guardian(s) regarding support and/or custody provided to a child or family as it relates to the child's need for protection. It also describes permanent surrender to the Department for purposes of adoption.

SECTION I - PRELIMINARY INTERVENTIONS

Under the Child Welfare Act, the Department and community have specific responsibilities with respect to reports of children believed to be in need of protection. This section will outline these responsibilities, and in addition, describe a provision in the legislation for emergency care of children. Through the legislation on Preliminary Intervention the government and community can appropriately report, investigate, and deal with children in need of protective services.

Community

With respect to the community's responsibility, Section 3 of the Act states that:

> Any person who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director.
>
> (C.W.A. Section 3(1))

The Act also states that:

> a. this information is confidential and its disclosure is prohibited;
> b. if a peace officer believes a child has committed an offense under the Act of Parliament of Canada while the child is under the age of 12, the peace officer may report it to the director (Section 4);
> c. while solicitor-client information is privileged, there is a legal obligation upon the rest of the professional and non-professional community to report a child in need of protective services.
>
> Failure to report a child believed to be in need of protection is punishable by a fine of up to $2,000 (and in default of payment, imprisonment for a term of not more than six months).
>
> (C.W.A. Sections 3 and 4)

Department

The Department's responsibility is contained in Section 5 of the Act:

> A director shall examine a report made, and any other allegations or evidence, and shall cause the matter to be investigated unless:
>
> a. the report or allegation was malicious;
> b. the report was made without reasonable or probable grounds;
> c. the report or allegation is unfounded; or
> d. it would be consistent with the protection of the child to refer a member of the family or family to community resources for services.
>
> In accordance with Departmental policies, investigations must commence within three (3) days of the report. If the child is reported to be in imminent danger, the investigation will commence within one (1) hour. Also, a decision must be made on the case within thirty (30) days.
>
> Under Section 5(1)(d) of the legislation, the worker may refer the child to a community resource when such action is also consistent with the protection of the child. It is good practice to follow up the referral with an agency contact to see if the problem is resolved. It is also incumbent upon the community agency to report any information indicating the need for protective services.
>
> (C.W.A. Section 5)

Referral of child welfare cases to community agencies is also consistent with Section 2 of the legislation (Matters to be Considered). Section 2 emphasizes utilization of appropriate familial and community resources that may be available. It also stresses the principle of least intrusion. By referring families to community agencies, the worker is initiating preventive measures that not only comply with the principles of the legislation, but also may provide the support necessary for resolving the protection issue, thus removing the need for further involvement of the Department.

Emergency Care

Section 6 of the Act allows the Department to provide short-term emergency care for children rather than initiate more intrusive interventions such as apprehension. Under this section a director may appoint a person to enter the home and care for a child, if the director is satisfied that the child is in need of protection because the guardian(s) cannot be located, or is/are incapacitated (e.g. involved in a car accident or too ill to care for the child).

The emergency care giver can, for up to forty-eight (48) hours:

- enter the home and live in it;
- carry out normal housekeeping duties that are necessary for the care of the child;
- exercise reasonable control over all children living in the residence.

No liability can be attached to the person for carrying out these duties.
(C.W.A. Section 6)

In some cases this intervention is sufficient to resolve the problem. In other instances this intervention permits the worker to maintain the children in the existing family structure during the investigation of the problem.

It is also important to note that if the child is removed from the home by the Department, this would be considered an apprehension rather than emergency care.

Exercise

Please mark either true or false for each of the following statements:

	True	False
1. A medical doctor is not required to report a child he/she believes to be in need of protective services.	____	____
2. All reports of children in need of protective services are held in confidence by the Department.	____	____
3. Emergency care legislation permits the Department to remove children from their home and place them with an emergency care giver, if the guardian cannot be located.	____	____
4. Emergency care can be provided for a period of up to a maximum of seventy (72) hours.	____	____

Please complete the following sentences by inserting the correct word or phrase into the blank.

5. If a peace officer believes a child has committed an offense under an Act of the Parliament of Canada, the peace officer may report it to a director if the child is under _____ years of age.

6. In terms of reporting a child in need of protection, the only privileged relationship is that of a _____.

7. The director shall investigate a report unless it was _____ or _____.

Answers

1. False. The only relationship that is privileged is a client-solicitor relationship.

2. True, although it may be appropriate to caution the person making the report that in some circumstances confidentiality cannot be maintained (e.g. a judge may order release of the name of the person who made the report, the person may be called as a witness, etc.).

3. False. The care-giver must enter the home of the child. If the child is removed from the home by the Department, this would be considered an apprehension.

4. False. The maximum is forty-eight (48) hours. (This is Departmental policy and not legislation.)

5. 12 years (Section 4)

6. Client-solicitor relationship

7. Two of the following:

   a. malicious
   b. unfounded
   c. made without reasonable and probable grounds.

References

1. Alberta Social Services
Handbook - Child Welfare in Progress
Tab 03 - Pages 4 and 5, Pages 11 - 14

2. Alberta Social Services
Program Manual - Child Welfare in Progress
Chapter 2 - Pages 13 - 20

3. American Humane Association - "Helping in Child Protective Services: A Casework Handbook"
Pages 100 - 125

SECTION II - CONFIDENTIALITY

Confidentiality describes what information can be shared with whom.

This section addresses the principles of sharing information for the purposes of carrying out the intent of the Act, and protecting the rights of individuals affected by the sharing of such information.

1. With the exception of the adoptions sections 65 and 66 of this Act, the Minister or any person employed or assisting in the administration of the Act, shall preserve secrecy with respect to name and other identifying information of a person that comes to his attention under the Act, and shall not disclose or communicate that information to any person except to:

   a. the guardian, parent or foster parent, or the lawyer of any of these;
   b. the child to whom the information relates, or his lawyer;
   c. a physician, certified psychologist, registered social worker when information relates to assessment or treatment of the child;
   d. a member of the police force or an agent of the Attorney General, if information is related to the belief an offense under an Act of the Parliament of Canada has been committed;
   e. a teacher, if he/she has responsibility for the education of a child to whom the information relates;
   f. the board of an approved hospital or health unit responsible for providing services to whom the information relates;
   g. any person employed or engaged by the Minister or assisting in the administration of the Act;
   h. any person assisting the Minister in the Administration of this Act;
   i. any person employed in child protection in another Province;
   j. any person who has the written consent of the Minister, the child or guardian of the child.

(C.W.A. 91 (2))

2. Information shall not be disclosed or communicated without the consent in writing of the Attorney General or his agent, if that information was provided by any agent of the Attorney General.

(C.W.A. 91 (3))

3. The name of a person who reports to the Minister shall not be disclosed or communicated to any person without the consent of the Minister.

(C.W.A. 91 (4))

4. No liability attaches to the Minister or any other person who discloses or communicates information in accordance with this section if the disclosure or communication is made in the administration of this Act or for the protection of the child.

(C.W.A. 91 (5))

5. Any person who contravenes this section is guilty of an offense and liable to a fine of not more than $2,000 and in default of payment, to imprisonment for a term of not more than six months.

(C.W.A. 91 (6))

While wanting to share information with all people who can act in the best interests of the child, it becomes clear that the communication of information should be done with great discretion and clearly only in the interest of serving the child's needs.

Basically confidentiality calls upon your good common sense as a child welfare worker.

Example:

A. When meeting with a child's teacher, discuss only the information pertinent to the child's education, training and behavior in the classroom.

or

Describe a child who has been consistently physically abused and confined in terms of their need for predictability, consistency and ability to move around the school setting whenever appropriate. Not all the details of how they were abused need to be communicated to the teacher.

B. Disclosing information from a child's file to a probation officer requires the Minister's (or his/her disignate's) written consent.

The following sections of the Act address the sharing and control of information in the process of developing and delivering child welfare services:

Section 23 - Ban on Publication:

This section refers to the fact that court is open to the public, and the need for workers to be sensitive to clients' rights to privacy.

It is important to note that the ban on publication of names refers only to the child and his guardian, but not to the names of workers and other witnesses, e.g. foster parents.

Section 65, 66, 67 - Sharing of Adoption Information

Section 65 - allows for a passive adoption registry and obtaining information concerning biological parents and adult siblings. (For more detail please refer to manual #6.)

Section 66 - allows an adopted person age 18 or over to obtain from the Court or the Minister, a copy of his/her adoption order. This order will bear his/her original name. Parental or department consent is not required.

Section 67 - allows for disclosure of non-identifying information regarding the parties involved in an adoption, e.g. hair color, eye color, medical information.

Section 75 - Confidential Evidence:

The Child Welfare Act increases the child welfare worker's options for obtaining information from other agencies. For the first time, Section 75 allows for access to confidential information from agencies covered by other legislation.

Records, documents and information may now be subpoenaed through the Court from:

a. the Commission under the Alcoholism and Drug Abuse Act;
b. a Board under the Hospitals Act;
c. a Board under the Mental Health Act;
d. the Director under the Public Health Act;
e. the Director under the Venereal Diseases Prevention Act.

The issue of client confidentiality can be a difficult one for the child welfare worker. Your goal should be to give people working with the family enough information so that they can make an informed decision regarding the client. Information that is not relevant to that decision should be excluded.

Exercise

		TRUE	FALSE
1.	The Child Welfare Act regarding Ban on Publication protects the child, his or her guardian, and anyone acting on behalf of the Department from having their name published.	____	____
2.	Adopted persons over the age of 18 can obtain information concerning biological parents and adult siblings without parental or Departmental consent.	____	____
3.	Access to confidential information from agencies covered by other legislation is now available.	____	____
4.	Child welfare workers can give out any information they please about their client(s).	____	____

Answers:

1. False. Only the child and the guardian of a child is exempt from publication.

2. True.

3. True. A list of these can be found in the Act, Section 75(1).

4. False. Under Section 91 there are certain people with whom you can share information. Discretion should be used in all cases as to what information is disclosed. Inappropriate disclosure of information may result in legal action being taken.

References

1. Alberta Social Services
Handbook - Child Welfare in Progress
Tab 03 - Pages 44 and 45, 89 - 92, 98 - 101, 112 - 114

2. Alberta Social Services
Program Manual - Child Welfare in Progress
Chapter 12 - Pages 157 - 158
Chapter 14 - Pages 194 - 196
Chapter 15 - Page 210

SECTION III - AGREEMENTS

Agreements are voluntary arrangements to provide support and service to a child and/or family when a child is in need of protection. Agreements are made between a director and the guardians of the child; however, under some circumstances, the agreement can be made directly with a youth who is over sixteen years of age. Through these provisions the Department can provide support to a family, while at the same time maintaining the integrity of the family unit.

This section will cover:

- Support Agreements
- Custody Agreements
- Permanent Guardianship Agreements

Agreements concerning access and maintenance as they pertain to temporary guardianship orders will be covered in another section.

Support Agreements

Support agreements are designed to provide the family with the service and support necessary for alleviating the risk to the child while maintaining the child in the family.

Support Agreements (Under 16)

CONDITIONS: UNDER 16 YEARS	EXAMPLE
Child must be in need of protection. Parents are willing to cooperate with Department in the provision of services intended to alleviate the problem. The child's security and emotional development can be maintained while he/she stays in the home. There must not be neglect or abuse to the degree that apprehension is necessary. The child must not be under an HCS agreement. A case plan is developed with the family outlining services the Department will provide, and the roles the family members will play in eliminating the risk to the child. A case plan must be developed within 30 days of an investigation referral. It must be reviewed and updated every 90 days.	An 11-year-old boy was caught shoplifting at 11:30 p.m. on a school night. Child Welfare was contacted and during their investigation the store owner reported the child is frequently in the store late at night playing video games. It turns out the mother works evenings as a waitress and can't always get babysitting. The child welfare worker may consider entering a support agreement to: a. have the child attend a youth program twice a week for recreational activities and help with homework; b. bring in a babysitter until the mother can provide better supervision. c. obtain the services of a community youth worker for the child. (C.W.A. Section 7 (1))

Agreements are up to six months in length, with renewals of up to six months. There is no limit on the number of support agreements which can be made.

The Case Plan might include the following:

> Financial Agreement through Departmental assistance with the costs of babysitting until mother can arrange more permanent help.
>
> Mother pays cost of transportation to the Youth Program.
>
> Career placement counselling for mother to assist her in acquiring a day job or skills that will give her additional choices.
>
> Child developing a recreational interest that will allow him to gain entry into a more constructive support group in the community.

The goals of the case plan would be achieved if mother provided adequate supervision and the child developed a more "normalized" evening routine.

If the situation deteriorated with the boy refusing to become involved and remaining on the streets at night, more intrusive action may be deemed necessary.

Custody Agreements

These agreements allow for the voluntary and temporary transfer of custody of the child from a guardian to a director, when the child is in need of protective services and it is clearly of benefit to the child to be temporarily removed from the family home. In a custody agreement, the guardian(s) still have the primary responsibility for the child and as such must be involved with the child in making major decisions concerning the child's welfare.

Custody Agreements

	CONDITIONS	EXAMPLE
1.	Child is in need of protective services.	A 14 year old who constantly runs from home - refuses to return or stay - parents cannot provide care due to illness. Child at risk due to lack of supervision. Parents wish to remain involved. Custody agreement is taken and child is placed in an adolescent receiving centre for assessment purposes. Parents to provide $100.00 per month maintenance and provide all clothing. Parents visit every Sunday - half the time spent receiving coaching from assessment centre staff while the other time is spent on an outing or other activities.
2.	Apprehension is not required.	
3.	The survival, security and development of the child cannot be adequately protected if the child remains with his/her guardian.	
4.	The parents or guardians are willing to cooperate in implementing case plan.	
5.	The child is consulted before the agreement is taken (if child is old enough and capable of understanding the terms of the agreement). A child of 12 or over must be consulted.	
6.	Custody Agreements are up to six months in length, with a limit of two years.	
7.	A case plan is developed outlining roles and responsibilities of parents, Department, child and any related agencies or persons involved in alleviating the risk to the child.	
8.	The case plan includes a description of the services to be provided.	
9.	Visits or other access are provided between child and his guardian or any other person who may act in the child's interest.	
10.	The authority is delegated by the child's guardian to a director.	
11.	Contributions, financial or otherwise, to be made by the guardian for the maintenance of the child while the child is in the custody of a director.	(C.W.A. Section 8 (1))

The intent is to provide temporary support, placement and services which will enable a child to return to his/her home. The guardian has primary control and responsibility for the child, in preparation for the return of the child to the home and community as soon as the risk to the child has been alleviated.

Agreements With 16 and 17 Year old Youths

The Child Welfare Act recognizes that 16 and 17 year-olds have unique needs that are different than the needs of their parents and the needs of children in younger age ranges. Therefore, in certain circumstances, support and custody agreements can be signed with children who are sixteen or seventeen years of age.

Agreements (16 and over)

*CONDITIONS	EXAMPLE
1. Apprehension is not required. 2. The child can handle this responsibility and has the capacity to make this decision. 3. The child is capable of living independently or with someone other than his guardians. 4. The child can understand and is willing to meet the terms of the agreement. 5. A Director is satisfied the child is living independently of his guardian. 6. The child is in need of protective services. 7. As a result of the provision of support services, the child's survival, security or development will be adequately protected if the child continues to live independently of his guardian. 8. Parental agreement is not required.	<u>Custody Agreement</u> A 16 year-old boy has been living in a foster home for the past year under a temporary guardianship order which is about to expire. The boy wishes to remain in the home until he completes a trade course and gets a job. The Department may sign a custody agreement with the child to cover the cost of his maintenance, plus tuition and living expenses for a month after the completion date of the course. * For both support and custody agreements, an assessment must be made indicating that the parents are unwilling or unable to ensure the safety, security and development of the child. <u>Support Agreement</u> A 17 year-old girl is living with a neighbour. Her mother has remarried and she and the new step-father do not get along. Mother supports her new husband. The girl wishes to complete her grade 12, but her parents refuse to provide support unless she "returns home and behaves." A support agreement can be taken to provide: 1. Life Skills training, 2. Counselling for the entire family. * Same conditions for both types. The difference is that a custody agreement is needed if the child is placed we in one of the Department's approved facilities. (C.W.A. Section's 7 (2) & 8 (2))

Permanent Guardianship Agreement

A permanent guardianship agreement is entered into when a guardian or parent feels he/she can not adequately ensure the well-being and protection of the child and wishes to permanently relinquish guardianship rights. This usually happens at birth when an unwed mother wishes to surrender a child for adoption.

CONDITIONS	WORKER TO ENSURE THE FOLLOWING:
1. Child has been in the custody of his guardian for less than six months. 2. Agreement is binding on any parent who, at the time, was not a guardian of the child, whether or not they had notice of the agreement. 3. The Children's Guardian becomes the sole guardian of the child.	Prior to entering into a permanent guardianship agreement, the worker shall ensure that: 1. The guardians are capable of understanding the intent and purpose of the agreement. 2. The guardians are made aware in writing that only the Children's Guardian can make application to terminate the agreement after the child is more than 10 days old. 3. Unwed mothers are advised that a putative father or any person claiming to be a parent may apply to terminate the agreement within 10 days of the birth of the child. (Wherever and whenever possible, seek the written agreement of the putative father.) 4. That the requirements of Section 73(2) and 73(3) must be satisfied when a child is believed to be Indian and a member of a band. 5. A comprehensive medical and social history is completed on the approved form. (C.W.A. Section 10 and 11)

*NB Failure to receive notification or agreement from the putative father may disrupt an adoption placement. Please refer to Program Manual, Chapter 13, PM 165

Exercise

1. When we sign custody agreements, does guardianship still remain with the parent(s)?

_____
_____
_____

2. Do we terminate custody agreements with 16 and 17 year-olds if they marry?

_____
_____
_____

3. When an unmarried mother is undecided about keeping her child, can a custody agreement be taken? If so, how does this fit under the definition of a child in need?

_____
_____
_____

Answers

1. Yes. The parent may delegate some of their guardianship authority to a director; however, they retain the primary guardianship responsibility.

2. Yes. Policy Handbook PO 3-24.

3. Yes. This could be a case of a mother unwilling or unable to care for a child.

References

1. Alberta Social Services
Handbook - Child Welfare in Progress.

2. Alberta Social Services
Program Manual - Child Welfare in Progress.

3. Alberta Social Services
"Native Child Welfare Services Practice Guidelines".

4. Alberta Child Welfare Act.

5. American Humane Association
"Helping in Child Protective Services: A Casework Handbook".

Summary

The way in which you understand and implement the sections of the Act on preliminary interventions and agreements is very important because it has a significant effect on case outcome. These sections are designed to maximize the opportunity for client participation and cooperation in the case plan. In addition, these sections of the legislation allow for the participation of community resources, whenever possible. These interventions, therefore, influence the degree of the client's involvement throughout the duration of the case. This not only affects case outcome, it could also affect the strength of application for court orders, should they be required.

Case Studies

On the following pages are three case studies involving the application of the legislation covered in this manual. Please read each case study carefully and then answer the three questions in the space provided on the page following each case study.

Once you have completed the case study check your answers with the Answer Sheets at the end of the manual. The Answer Sheets represent an attempt to provide you with an outline of the factors affecting the course of action that could be selected, rather than a black and white solution to the case.

CASE STUDY #1

Child: Tina Lumumba
Age 16
Location: Edmonton

Father: Ralph Lumumba
Location: Edmonton

Mother: Esther Kwasame
Benine City, Nigeria

Circumstances Precipitating Child Welfare Involvement:

Tina called the Crisis Unit on September 15 alleging her father had abused her and forced her out of the family home. Tina was seen by the Crisis Unit worker at the home of a neighbour, with whom she had been living off and on for three months. Crisis did not find any physical signs of abuse, and asked that the father and child meet with them to discuss the situation.

Family Background:

This family emigrated from Nigeria. There is a long history of marital and family discord, and Mrs. Lumumba returned to Nigeria shortly after she arrived. Tina was 12 when the family emigrated and has had some difficulties in adjusting to the language, the culture and the climate; however, she is unwilling to consider returning to Nigeria.

Assessment:

This is a family for whom cultural issues have become problematic. Mr. Lumumba has retained his traditional Nigerian values about the roles of women and children and expects Tina to "fill her mother's shoes" in that regard. He has extremely high expectations of Tina in regard to academic achievement, and very strict rules with regard to Tina's participation in social activities, e.g. dating, dances. He is an uncommunicative man when it comes to family issues and feels these should be solved "within the family".

Tina is experiencing difficulty in several areas. Superficially, she has adjusted to the cultural change, but is an isolated child with few friends, and no female role models. She is having some trouble with school, although she is in Grade 11. She is very attached to her father but very angry with his inflexible expectations.

Summary:

An impasse exists between Tina and her dad; Tina is unwilling to come home until things change and her father won't talk about anything until she comes home. Both these people are culturally and socially isolated to some extent, and have poor skills in communicating with each other in a way which is culturally appropriate in Canada.

Questions:

1. Is this a case for which you would consider an agreement?

2. If yes, what kind of agreement would be appropriate?

3. What terms or conditions would you want to consider in an agreement?

CASE STUDY #1 ANSWERS

1.

2.

3.

CASE STUDY #2

Children: Kari Jones
Age 2
Danielle Jones
Age 6

Mother: Karen Jones
Age 23

Circumstances Precipitating Child Welfare Involvement:

Willow Park received a complaint from the caretaker of Karen's building stating that conditions were extremely unsanitary, and that Public Health Inspectors had been called. The caretaker also reported that the children were often left alone and found wandering in the parking lot of the building, dirty and poorly dressed. Workers were unable to find the mother at home on the occasions when they visited, and finally had the caretaker page the child welfare worker one evening when mother was home. A previous file existed on this family which documented mother's transience, poor housekeeping standards, poor parenting skills and suspicions of illegal activities. The record also showed that Danielle had been apprehended because of physical abuse by the mother and remained in our care for a year, until the court ordered the child returned.

Family Background:

Karen's file indicated that she had been a ward in another province, was apprehended at age 5 because of abuse, and was, after a fairly stable placement history (2 moves), adopted at age 8. She was a difficult child for the adoptive family: strong willed, and still suffering to some extent because of the emotional scars left by her early life. When she turned 17, Karen left home, although she has remained in touch with her adoptive parents, who now live in B.C.

Assessment:

Karen is a highly manipulative woman, of average intelligence, who is unable to plan or carry out any activity in a systematic way. Her parenting is inconsistent, ranging from strict and severe, to disinterested. She is extremely impulsive, as can be seen by her transience. She is very attached to her children but often uses them to meet her own needs, e.g. asking Danielle to make breakfast "because mummy is too tired".

The children are showing several symptoms which raise concern. Danielle, who is in Grade 1, is very small for her age, shows some speech difficulties, and has been evaluated by the teacher as likely to repeat Grade 1. She is a very guarded child, highly anxious, who shows little ability to play. Kari, age 2, is also extremely small for her age, and is not keeping up to developmental milestones. She didn't walk until 20 months, and is still not talking; the public health nurse speculates that she may have hearing difficulties. She is a very solemn child, who cries easily and frequently.

Questions:

1. Is this an appropriate case for an agreement? If so, what kind?

2. What other action could be initiated?

3. On what issues would you base your action?

CASE STUDY #2 ANSWERS

1.

2.

3.

CASE STUDY #3

Child: Gail Brown
Age 17

Father: Robert Brown

Mother: Brenda Brown

Circumstances Precipitating Child Welfare Involvement:

Gail Brown came in to see a child welfare worker on her own, alleging severe emotional and verbal abuse by her mother, and saying she couldn't live at home any longer. Gail was brought to Social Services by neighbors, Mr. and Mrs. MacDougal, who have known the family for many years and confirmed Gail's allegations.

Family Background:

Gail is the youngest of three children born to Mr. and Mrs. Brown. The Browns are divorced, and Mr. Brown has subsequently remarried and has another family. Mrs. Brown has a long history of mental illness requiring hospitalization. The family has endeavored to care for mother but Mr. Brown finally felt he could manage no longer and separated from his wife. Gail's older siblings helped in managing mother's illness, but left home as soon as they could and refused to care for her. This has left Gail as the primary caretaker of her mother.

Assessment:

This is a family for whom the demands of one family member have proved overwhelming. None of the family members has the emotional resources to cope with Mrs. Brown, who is demanding, suspicious, and occasionally assaultive. She is a highly verbal woman who barrages her daughter with complaints and accusations. The primary focus of her verbal aggression is her family; her social presentation can be quite pleasant.

Gail is a depressed, defeated child. She is involved with other children who are involved in drug abuse. Gail is currently living with the MacDougals, who describe her as having two sides to her nature. She can be thoughtful and generous when circumstances are pleasant; however, if she is involved with her mother or is confronted by school authorities she is defiant, verbally abusive, very restless, and sometimes runs. Gail is still managing well in school, maintaining a "B" average; however, her grades have been slipping of late.

Questions:

1. Is this an appropriate case for an agreement?

2. If so, what kind would you initiate?

3. What would you include in the terms of the agreement?

CASE STUDY #3 ANSWERS

1.

2.

3.

ANSWER SHEETS FOR CASE STUDIES

The intent of the legislation is to provide you with options and flexibility in your dealings with families. For the case studies in this section you should consider the possibility of using either a support or custody agreement signed either with the family or with the child, if the child is over 16 years of age. Given certain factors and the terms you are able to negotiate, an agreement of either kind might be appropriate. Please remember, however, that you are not limited to only those alternatives in your social work practice; more intrusive measures may be appropriate.

CASE STUDY #1 ANSWER SHEET

1. Q. Is this a case for which you would consider an agreement?
   A. Yes. There are allegations of physical abuse which need to be followed up; Tina is of an age where she can be on her own with some support.

2. Q. If yes, what type of agreement would be most appropriate?
   A. Based on the information, an agreement signed with Tina's father is unlikely; he is unwilling to have "strangers" involved in family problems. Therefore, in Tina's case, you have two alternatives which will be based on your assessment of her strengths and weaknesses:
      i. support agreement with 16 year olds (Youth Support Agreement). If Tina has some life skills (e.g., banking, grocery shopping, some ability to budget), Departmental funds could be provided to her with the responsibility for administering those funds.
      ii. custody agreement with 16 year old: If your assessment suggests Tina is moving toward independence but has only limited skills, then you and she may wish for an agreement which provides the closer supervision of a custody agreement.

3. Q. What terms or conditions would you want to consider in an agreement?
   A. Support agreement terms could include the following:
      a. phone call from Tina to her worker at least 1/week.
      b. home or office visit with Tina at least 1 every 2 weeks.
      c. home visit with Tina and neighbor 1/week.
      d. identification of independence issues Tina needs to work on e.g. banking, budgeting.
      e. cultural issues: connection with Nigerian settlement group.
      f. further assessment and exploration of the problems involved in Tina's relationship with her father.

CASE STUDY #2 ANSWER SHEET

1. Q. Is this an appropriate case for an agreement? If so, what kind?
   A. Yes, with very specific terms attached. You should be very careful in taking an agreement of any kind in this case because of the serious protection concerns presented. Given the circumstances, it would be risky to sign a support agreement, because you would have a hard time being sure mother would be around to honor it. If you did wish to sign an agreement, indications point to the need for a period of time in care as an appropriate possibility, so you might want to try to sign a custody agreement. The custody agreement would also need to be very specific about other terms. For example:

   1. medical evaluation of both children for general health issues, developmental delays, intellectual functioning, indications of abuse;
   2. possible psychological evaluation of Danielle;
   3. regular and frequent visits with the children while out of the home;
   4. use of a parent aide in some of the visits to assess mother's parenting skills and ability to nurture her children.

2. Q. What other action could be initiated?
   A. There are several alternative routes you could pursue; these other interventions will be covered more extensively in the module on court. Briefly, however, they can be summarized as follows:

   a. supervision order - this would leave the children in their own home but would allow access on a Court-ordered basis;
   b. application for temporary guardianship order - this would allow for the non-emergent placement of the children in an alternative setting;
   c. application for apprehension order - would permit the removal of the children from their home without their mother's approval.

Use of c) as an alternative should only be considered when your assessment indicates that the children are not safe remaining in the care of their mother any longer.

3. Q. On what issues would you base your action?

   A. Your assessment of the family situation remains key to your ability to intervene in a way which is the most helpful to the family with whom you are working. Your paramount concern must be the safety of the children involved; any assessment of the parent's abilities, motivation and resistance must weigh and include the risks to the child in the decision.

CASE STUDY #3 ANSWER SHEET

1. Q. Is this an appropriate use for an agreement?
   A. Yes, this is another instance where a child over 16 may be in need of protective services.

2. Q. If so, what kind would you initiate?
   A. In Gail's case, you have little indication of her ability to manage on her own. Unless your investigation gives you information to the contrary, your first option should be to sign a custody agreement directly with her. Gail has known her current caretakers for many years, and has a relationship with them. She is manifesting behavior problems; there is suspected drug abuse, and poor school performance, nor has she to our knowledge, come to terms with her "responsibility" for caring for her mother. All these issues indicate that a support agreement would not meet Gail's needs.

3. Q. What would you include in the terms of the agreement?
   A. Custody agreement terms might include:
      a. negotiated rules for conduct between Gail and the MacDougals, e.g., chores, curfews, visits with family.
      b. identification of life skills/independence needs, e.g., banking, grocery shopping, attendance at school, birth control, etc.
      c. self-referral by Gail to AADAC for consultation about her drug abuse.
      d. discussion with her social worker about her relationship with all family members.

APPENDIX
ANALYSIS OF CASE EXAMPLE
FROM VIDEO #3
"AGREEMENTS AND SUPERVISION ORDERS"

On the following pages is the analysis of the case example presented at the end of the video entitled "Agreements and Supervision Orders". This analysis represents an attempt to review the factors affecting your decision and some possible courses of action.

There are no black and white solutions to these cases, therefore, in "real life" situations it is also important to conference these cases with your supervisor and other professionals prior to taking any action (other than emergency action).

Case Example

Assessment

In this example there are two possible protection issues. The first issue is "Are any or all of the three children in need of protection because their survival, security or development is endangered due to a substantial risk of physical injury by the guardian (section 2(d))?" From the information presented there is no evidence of physical injury to the children and, although a further investigation of the situation is warranted, the children do not appear to be in "substantial" risk of physical injury in the future.

The second protection concern revolves around the behavior of the older boy. It is evident that the boy has been a behavior problem in the past and, because of his behavior, he has been removed from the home, for a period of time. His mother reports that he is out of control at home, and school reports also reflect some problems with his behavior in the educational setting. Under the Child Welfare Act if the "condition or behavior of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs" (section (1)(2)(i)), the child can be considered to be in need of protection. Therefore, depending upon the type, intensity, and degree of the behavior problems, the older boy may be in need of protection.

If the worker believes that the older boy is in need of protection, the next decision is the type of intervention required to resolve the problem. To make this decision the worker would need to assess the effectiveness of interventions that were used in the past. In addition any changes in the child's behavior, the child's willingness to become involved in the case plan, and the family situation; since these interventions occurred, would also need to be taken into consideration.

Investigation Outcomes

Option 1 Referral To A Community Agency And Termination Of Direct Departmental Involvement

If the child could be maintained in the home and the mother provided with the support that she needed through the intervention of a community resource (e.g. a day treatment program), then this would be the preferred option. In this case you may assist the mother with the referral and maintain periodic contact for the first thirty days to ensure that this arrangement satisfactorily addresses the protection issue. If after thirty days you believe that other action is necessary then departmental involvement options 2 or 3 might be appropriate. The possibility of having the older child stay with a member of the extended family who is better able to deal with his behavior might also be considered, if the child could not be maintained in his own home. This can be carried out with out further Departmental intervention.

Option 2 Support Agreement

If the child could be maintained in the family but the community resources were not available to provide the family with both the services and support they required, then a support agreement might be the most feasible option. Through a support agreement the family could take advantage of the community resources available and also receive additional support from the Department (e.g. counselling services for the child and mother, having a family support worker come into the home during critical periods of the day, etc).

Option 3 Custody Agreement

A custody agreement would be taken if the child could not be maintained in the family, even with the provision of support services. In this situation the child could be placed in a foster home or group home, for a short period of time. The case plan would focus

on reduction of the child's problem behavior and, at the same time, coaching of the mother in behavioral management approaches.

Option 4 Court Order (eg: Supervision Orders)

A court order would not be appropriate in this situation because the mother is willing to work with the Department to resolve the problem.